

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 09, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

HUGUETTE NICOLE YOUNG,

Plaintiff,

v.

BOB FERGUSON, in his official
capacity as Attorney General for the
State of Washington,

Defendant.

NO: 2:20-CV-277-RMP

ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION

BEFORE THE COURT is pro se Plaintiff Huguette Nicole Young's Motion for Reconsideration, ECF No. 15, of this Court's Order of Dismissal without Prejudice, ECF No. 14. The Court has considered the motion and its attachments, the record, the relevant precedent, and is fully informed.

A motion for reconsideration should not be granted, "absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or . . . there is an intervening change in the controlling law." *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999).

1 On October 14, 2020, this Court dismissed without prejudice Plaintiff's
2 Amended Complaint for failure to pay the requisite filing fee or, alternatively, to
3 submit sufficient information based on which the Court could grant Plaintiff leave to
4 proceed in forma pauperis. ECF No. 14. The District Court Clerk subsequently
5 closed the file in this case, as directed by the Court's Order. On October 19, 2020,
6 Plaintiff filed the instant Motion for Reconsideration and an unauthorized Second
7 Amended Complaint. ECF Nos. 15 and 16.

8 Plaintiff asserts that she "has neglected to inform the court that she is
9 currently receiving federal benefits from the Supplemental Nutrition Assistance
10 Program (SNAP)[.]" ECF No. 15 at 1. Plaintiff posits that she offers this
11 information regarding her receipt of SNAP benefits to support that she is unable to
12 pay the filing fee, but she "still refuses to submit a detailed financial statement
13 despite the fact that it will clearly show plaintiff qualifies for IFP status" because of
14 Plaintiff's reading of 28 U.S.C. § 1915(a)(1) as not requiring her to submit a detailed
15 financial statement.

16 The Court finds no reason to revisit its prior Order. *See* ECF No. 14. The
17 "newly discovered evidence" that Plaintiff now purports to submit in the form of her
18 own declaration that she has received SNAP benefits since September 7, 2020, is not
19 new at all. *See* ECF No. 15-1. Rather, the evidence is merely Plaintiff's own
20 knowledge of her receipt of SNAP benefits since September 2020, more than one
21 month prior to the Court's dismissal of her case. *See id.*; *Feature Realty, Inc. v. City*

1 of *Spokane*, 331 F.3d 1082, 1093 (9th Cir. 2003). Plaintiff cannot successfully argue
2 that she exercised due diligence to provide the SNAP information prior to dismissal
3 when she was in possession of the information all along. *See Feature Realty*, 331
4 F.3d at 1093.

5 Moreover, as Plaintiff still refuses to fully inform the Court regarding her
6 assets and her inability to pay the civil filing fee, Plaintiff's earlier production of her
7 now-disclosed SNAP information is unlikely to have changed the disposition of her
8 case. *See* ECF No. 15 at 1; *see also* 28 U.S.C. § 1914 (filing fee a statutory
9 prerequisite to a civil action in federal district court); 28 U.S.C. § 1915 (allowing
10 district courts to grant leave to proceed in forma pauperis only after an individual
11 submits an affidavit setting forth assets and an inability to pay). Plaintiff presents no
12 other grounds for reconsideration. Therefore, the Court denies Plaintiff's Motion,
13 ECF No. 15.

14 Furthermore, Rule 12(f) of the Federal Rules of Civil Procedure provides that
15 the Court may strike "any redundant, immaterial, impertinent, or scandalous matter."
16 Fed. R. Civ. P. 12(f). This case is closed. Plaintiff's Second Amended Complaint,
17 therefore, is an untimely filing that the Court strikes pursuant to Fed. R. Civ. P.
18 12(f). ECF Nos. 14 and 16.

19 Accordingly, **IT IS HEREBY ORDERED:**

20 1. Plaintiff's Motion for Reconsideration, **ECF No. 15**, is **DENIED**.
21

2. Plaintiff's Second Amended Complaint, ECF No. 16, shall be **stricken** pursuant to Fed. R. Civ. P. 12(f).

IT IS SO ORDERED. The District Court Clerk is directed to enter this Order and provide copies to Plaintiff and counsel. The file in this case shall remain closed.

DATED December 9, 2020.

s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
United States District Judge